




Cocoa Beach Police Department

Standard Operating Procedure



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Subject: Domestic and Dating Violence	Re-Evaluation: 2025	
Distribution: All Members	Related CFA Standards: 15.09M	
Approving Authority: Chief of Police Wes Mullins		
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1. PURPOSE

The purpose of this standard operating procedure is to establish guidelines for law enforcement response to allegations of domestic violence and dating violence.

2. SCOPE

This standard operating procedure shall apply to all members of the Cocoa Beach Police Department.

3. POLICY

It is the policy of the Cocoa Beach Police Department that domestic and dating violence investigations shall be fully investigated in accordance with [§ 741.29](#) and [§ 784.046](#), Florida Statutes.

4. DEFINITION(S)

- A. DATING VIOLENCE, § 784.046, Florida Statutes – violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors: (1) a dating relationship must have existed within the past six months; (2) the nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and (3) the frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.
- B. DOMESTIC VIOLENCE, § 741.28, Florida Statutes – any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
- C. FAMILY OR HOUSEHOLD MEMBER, § 741.28, Florida Statutes – spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

5. PROCEDURES

- A. INITIAL RESPONSE AND ENTRY TO THE SCENE (CFA 15.09MA)
 - 1. Officers shall treat domestic and dating violence calls as high hazard.

2. If refused entry, the officers should be persistent about seeing and speaking alone with the alleged victim. If access to this person is refused, the officers should make attempts to contact the alleged victim by phone.
 3. When access is refused, the on-duty shift supervisor shall be notified and immediately respond.
 4. If access is still refused and the officers have reason to believe that someone is in imminent danger, entry may be made.
- B. ON-SCENE INVESTIGATION (CFA 15309MB)
1. Officers shall complete a thorough on-scene investigation of all domestic and dating violence allegations. Steps of the on-scene investigation may include, but are not limited to, the following:
 - a. Separate the victim and offender physically, verbally and if possible, visually.
 - b. Assess the severity of injuries to all parties and provide the appropriate level of medical assistance.
 - c. Locate and ensure the welfare of children and others at the scene.
 - d. Interview all parties and potential witnesses including children and neighbors.
 - e. Determine any statutorily defined relationship (domestic, dating).
 - f. Ascertain whether there is an Injunction for Protection and if so, ask the victim for a copy. If a copy of the order is available, the officer should examine any restrictions imposed by the order so that the officer can determine whether there is probable cause to believe the order has been violated.
 - g. Determine the crime(s) that may have occurred.
 - h. Determine the predominant aggressor.
 - i. Document and collect any evidence related to the incident, such as but not limited to notes, letters, electronic correspondence, voicemail, weapons, 911 tapes, and when appropriate, take color photographs.
- C. ARREST (CFA 15.09MC)
1. All arrests for domestic and dating violence shall be in accordance with applicable statutes.
 2. When probable cause has been established that an act of domestic or dating violence has occurred, an arrest should be made pursuant to [Chapter 901](#), Florida Statutes.
 3. In determining probable cause, the law enforcement officers should consider their observations and any statements by parties involved and any witnesses, including children. They should determine all the crimes for which there is probable cause (including sexual battery, threats of violence amounting to assault, battery on a pregnant female).
 4. Factors which should not be considered in determining whether an arrest will be made include:
 - a. Belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction.
 - b. Disposition of previous police calls involving the same victim or suspect.
 - c. Denial by either party that the abuse occurred when there is evidence of abuse.
 - d. Lack of a court order restraining or restricting the suspect.
 5. The officers making an arrest will inform the arrestee that domestic and dating violence is a crime and that the State of Florida, not the victim, is responsible for the prosecution. The responding officers shall not accept a complaint withdrawal.
 6. If the officers determine that a crime has been committed and that the suspect has left the scene, the officers will:
 - a. Conduct a search of the immediate area.
 - b. Obtain information from the victim and witnesses as to where the suspect might be located.
 - c. Prepare a complaint affidavit and other appropriate paperwork containing probable cause for the arrest. If the suspect is not located, the on-duty shift supervisor will forward the paperwork and any pertinent information to the on-coming shift supervisor. The on-duty shift supervisor will assign appropriate resources to follow-up as needed. If the suspect is not located and probable cause exists

for an arrest, an open “charging document (923.01)” will be maintained by the shift supervisor. If no arrest is made in a reasonable amount of time, as determined by the shift supervisor, a request for capias will be forwarded to the Records Division to be filed with the State Attorney’s Office

7. Dual Arrests:

- a. The Department discourages making dual arrests in order to avoid arresting the victim. Where there are allegations that each party committed an offense against the other, the officer shall determine whether there is sufficient evidence to conclude that one of the parties is the predominant aggressor.
 - b. If the predominant aggressor alleges that they are also the victim of domestic or dating violence, the officer will thoroughly investigate the allegation to determine whether it was an act of self-defense or an act of aggression. The investigating officer will evaluate each complaint separately and make decisions based on probable cause. If there is a separate act of aggression, then the officer shall make an arrest or file a request for prosecution on the secondary aggressor. If the officer concludes that it was an act of self-defense, no arrest shall be made of the secondary aggressor. If dual arrests are made, the facts supporting each arrest must be clearly documented.
8. Officers shall not threaten, suggest or otherwise indicate the possible arrest of all parties or the removal of children from the home with the intent of discouraging requests for intervention by law enforcement by any party.

D. VICTIM SUPPORT (CFA 15.09MD)

1. Officers shall provide the victims of domestic and dating violence with the *Notice of Legal Rights and Remedies for Victims of Domestic Violence, Dating Violence, Repeat Violence, Sexual Violence, Stalking (FLDE)* brochure in [English](#) or [Spanish](#). In cases of domestic violence, the officer shall also provide the location of a domestic violence center from which the victim may receive services, medical treatment if such is required and arrange for or provide transportation for the victim to the center, if victim so desires.
2. Issue victim a [Notice of Legal Rights & Remedies for Domestic/Dating Violence Victims \(SAO\)](#) brochure.
3. Inform the victim about the process of obtaining an injunction for protection.
4. Advise the victim that the incident report will be sent to the local domestic violence center.
5. Advise the victim of what to expect in the near future with regard to the processing of the case by the system.
6. Provide the victim with and have them complete a [Victim Notification Card](#).
7. Tell the victim that domestic violence is a crime and that the sole responsibility for decisions regarding whether charges are filed is with the state and not the victim.
8. If an arrest is not made, inform the victim of the reasons and of their options independent of law enforcement (as indicated in the Legal Rights and Remedies brochures).
9. Advise the victim to notify the Department of any additional incidents or new information.
10. Officers shall see to the appropriate care of children as victims or dependents. In any situation in which an officer suspects that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare, as defined in [§ 39.201](#), Florida Statutes, the officer shall call the central abuse hotline (1-800-96-ABUSE or 1-800-962-2873). If, as a result of arrests and/or hospitalization, there is no parent, legal guardian, or relative to care for the children, the officer shall call the central abuse hotline and relay this information. The officer shall indicate in the report the identity and address of the person taking custody of the children, if this information is available.

E. FOLLOW-UP INVESTIGATION (CFA 15.09ME)

1. Follow-up investigation may include:
 - a. Interviewing victims who were physically or emotionally unable to be properly interviewed during the initial investigation or to provide an additional a statement.

- b. In all cases of domestic violence, the victim shall be re-contacted for any additional details relevant to the crime, to provide the victim with updates to the case, and to remind the victim of the available services.
 - c. Taking photographs of the victim's injuries that may not have been apparent or visible at the time of the initial response.
 - d. Interviewing neighbors or other potential witnesses.
 - e. Ascertaining if the suspect is on parole, probation and/or pretrial release and obtaining the name and phone number of the appropriate probation/parole/pretrial officer.
 - f. All statements taken from victims, suspects, or witnesses shall be obtained in writing on the agency-provided written affidavit forms.
 - 2. In the supplemental follow-up report, the investigating officer shall document the steps of the investigation.
- F. REPORT WRITING AND NOTIFICATION (CFA 15.09MF)
- 1. In accordance with [§ 741.29](#) and [§ 784.046](#), Florida Statutes, the officer shall prepare a written police report that is complete and clearly indicates the alleged offense was an incident of domestic violence or dating violence. Such report must include:
 - a. A description of physical injuries observed, if any
 - b. If an officer decides not to make an arrest or decides to arrest two or more parties, the officer shall include in the report the grounds for not arresting anyone or for arresting two or more parties.
 - c. A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.
 - 2. In addition to the written police report, the investigating officer shall also complete the [Domestic Violence Worksheet](#) and submit it along with the initial case report.
 - 3. In accordance with [§ 741.29](#) and [§ 784.046](#), Florida Statutes, the Cocoa Beach Records Division shall send a copy of the initial police report, as well as subsequent, supplemental, or related reports, which excludes victim/witness statements or other materials that are part of the active criminal investigation and are exempt from disclosure under [Chapter 119](#), Florida Statutes, to the nearest locally certified domestic violence center within 24 hours of the report after receipt by the Records Division. The report furnished to the domestic violence center must include a narrative description of the domestic violence incident.
- G. OFFICER INVOLVED DOMESTIC VIOLENCE (CFA 15.09MG)
- 1. Procedures when arrest for domestic violence involves any law enforcement officer:
 - a. Officers responding to incidents of domestic or dating violence which involve members of the Cocoa Beach Police Department, or members of another Law Enforcement Agency, shall immediately notify their supervisor, who shall respond to the scene. If the incident requires a report and/or an arrest, the responding supervisor shall notify the Chief of Police, or designee.
 - b. The responding officer and on-duty shift supervisor shall handle the call in a manner consistent with the laws and procedures applicable to any other domestic or dating violence incidents.
 - 2. Procedures when arrest for domestic violence involves a law enforcement officer from another agency:
 - a. If a domestic or dating violence related arrest of a law enforcement officer from another department is made, the on-duty shift supervisor shall notify the employing department of the arrest, the specific charge and the time of the arrest, prior to the end of the shift during which the arrest was made.
 - 3. Procedures when arrest for domestic violence involves members of the Cocoa Beach Police Department:
 - a. The criminal investigation shall be completed before the subject officer can be interviewed by department personnel for any administrative investigation associated with the event.
 - b. An internal investigation should be opened to determine if the officer has violated any department policies.

- c. When an officer is served with a protective injunction, they are required to notify the on-duty shift supervisor as soon as practical, but absolutely prior to the beginning of their next shift. Furthermore, the officer is required to keep departmental authorities informed of the status of their case.
- d. In cases where the temporary injunction is extended to become an active injunction, the officer may be sent for a psychological evaluation to determine their fitness for duty.
- e. Any member under an active injunction shall turn in weapons, ammunition, and assigned vehicle to the shift supervisor prior to leaving work.
- f. Any officer who witnesses or otherwise has firsthand knowledge of a domestic or dating violence incident involving another officer regardless of jurisdiction, must report that incident to a supervisor as soon as practical.

H. VIOLATIONS OF INJUNCTIONS AND NO CONTACT ORDERS

- 1. Officers shall make an arrest when there is probable cause that the suspect has committed a criminal violation of an injunction or No Contact Order. The arresting officer must verify the injunction has been served (prior to the violation) or the No Contact Order is current prior to the arrest. If the suspect is not located by the end of the tour of duty, a capias request will be forwarded to the State Attorney's Office for review.

I. FOREIGN INJUNCTIONS AND PROTECTION ORDERS

- 1. Pursuant to [§ 741.315](#), Florida Statutes and [18 U. S. Code § 2265](#), an injunction for protection against domestic violence or dating violence issued by a court of a foreign state must be accorded full faith and credit by the courts of the State of Florida and enforced by law enforcement agencies as if it were the order of a Florida court.

J. EXEMPTION FROM PUBLIC RECORDS DISCLOSURES

- 1. Information which could be used to locate or harass the victim or victim's family, or which could disclose confidential or privileged information of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, domestic or dating violence is exempt from public records law disclosure upon written request from the victim. Victims who want to take advantage of this exemption must fill out the [Cocoa Beach Police Department's Marsy's Law Victim's Rights to Confidentiality Form](#) made available by the investigating officer. The appropriate forms will be supplied by the Records Division and filed with the case package upon request of the victim. Officers will explain this exception to victims of domestic or dating violence and will further explain how to obtain this exemption.